

REMARKS

This Amendment is filed in response to the Office Action dated May 7, 2004. All objections and rejections are respectfully traversed.

Claims 1-71 are in the case.

Claims 38-71 were added to better claim the invention.

Claims 1, 14-16, 33, and 35 were amended to better claim the invention.

The Specification has been amended to correct typing errors. No new matter has been entered, and the Specification is believed to be in allowable condition.

The Examiner has required that new corrected formal drawings be submitted showing the approved changes to the informal drawings. Applicant believes that a letter to the Official Draftsman containing formal versions of the corrected drawings was filed with the Preliminary Amendment on August 28, 2001. For the Examiner's convenience, however, the formal drawings showing the approved changes have been provided herewith. No new matter has been entered, and the Drawings are believed to be in allowable condition.

At page 2 of the Office Action, claims 14-17 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 14 and 15 have been amended, and claims 14-17 are believed to be in allowable condition.

At page 3 of the Office Action, claims 1-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kang, U.S. Patent No. 6,434,696, issued on August

13, 2002, in view of McKaughan et al., U.S. Patent No. 6,014,744, issued January 11, 2000, hereinafter McKaughan.

The present invention, as set forth in representative claim 1, comprises in part:

A method for fast reboot of a computer having an attached disk array and an internal random access memory (RAM) comprising the steps of:

retaining a copy of an operating system kernel on a reserved storage location of the RAM;

performing predetermined reboot operations with a boot mechanism; and

reloading the operating system at a location in the RAM based upon the copy of the operating system retained at the reserved storage location after the step of performing the predetermined reboot operations.

Kang discloses a system for quickly booting a computer system by saving the contents of memory and status of attached devices to a hard disk. By doing this, the system in Kang can boot using the stored boot configuration information, without the need for executing the initial device configuration file (CONFIG.SYS) and automatic batch run file (AUTOEXEC.BAT). Kang also skips the memory test in a quick boot.

McKaughan discloses a system for performing selected operations as a part of a booting process only after a failed booting process. In McKaughan, if a boot attempt fails, a reboot only performs selected operations according to a set of flags. One flag states if the operation was successful in the previous boot, in which case it should be skipped. The other flag states if the operation is a diagnostic, which is to be performed regardless. McKaughan also discloses a single flag system, denoting which operations are to be performed at the next boot.

Applicant respectfully urges that neither Kang nor McKaughan show Applicant's claimed novel "***retaining a copy of an operating system kernel on a reserved storage location of the RAM and reloading the operating system at a location in the RAM based upon the copy of the operating system retained at the reserved storage location.***"

Applicant's claimed invention is directed toward the fast reboot of a computer. The system saves time by saving a copy of the operating system kernel to a reserved RAM location, and then reestablishing the operating system kernel at the appropriate address space in memory without requiring a time-consuming read of the kernel image from disk. Kang merely saves the configuration information from the previous boot, and does not store a copy of the operating system kernel in RAM. McKaughan sets flags on various operations to determine if they are to be performed or skipped during a reboot, but does not store an operating system kernel in RAM.

Applicant respectfully urges that the Kang patent and/or the McKaughan patent, either taken singly or taken in any combination are legally insufficient to render the presently claimed invention obvious under 35 U.S.C. §103 because of the absence in each of the cited patents of Applicant's claimed novel "***retaining a copy of an operating system kernel on a reserved storage location of the RAM and reloading the operating system at a location in the RAM based upon the copy of the operating system retained at the reserved storage location.***"

All independent claims are believed to be in condition for allowance.

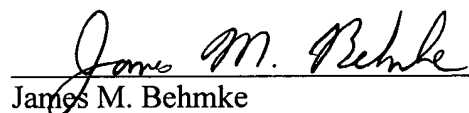
All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

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Please charge any additional fee occasioned by this paper to our Deposit Account
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Respectfully submitted,

A handwritten signature in cursive script, reading "James M. Behmke", is written over a horizontal line.

James M. Behmke
Reg. No. 51,448
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500